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March 29, 2007

Fred Fielding
Counsel to the President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. Fielding:

I am writing to request information and a briefing regarding the e-mail policies of the White House.

On Monday, I wrote to the Republican National Committee and the Bush Cheney '04 campaign directing them to preserve the e-mails of White House officials.¹ In those letters, I cited multiple examples of the use of political RNC e-mail accounts by White House officials conducting official government business. In one example I cited, an associate of convicted lobbyist Jack Abramoff was advised by a White House official not to send communications through the official White House e-mail system because "to put this stuff in writing in their e-mail system ... might actually limit what they can do to help us."²

Since Monday, I have learned of new examples of the use of RNC and campaign e-mail accounts by White House officials, including:

- **New Abramoff E-Mails.** Susan Ralston, who was Karl Rove's executive assistant, invited two lobbyists working for Jack Abramoff to use her RNC e-mail account to avoid "security issues" with the White House e-mail system, writing: "I now have an RNC blackberry which you can use to e-mail me at any time. No security issues like my WH

¹ Letter from Rep. Henry A. Waxman to Mike Duncan, Chairman, Republican National Committee (March 26, 2007); Letter from Rep. Henry A. Waxman to Governor Marc Racicot, former Chairman, Bush Cheney '04 (Mar. 26, 2007).

² E-mail from Kevin Ring to Jack Abramoff (Feb. 7, 2003) (GTG-R002245).

email.”³ Ms. Ralston similarly wrote Mr. Abramoff: “I know [sic] have an RNC laptop at the office for political use. I can access my AOL email when necessary so if you need to send me something that I need to read, you can send to my AOL email and then call or page me to check it.”⁴

- **New Scott Jennings E-Mails.** Scott Jennings, the deputy director of political affairs in the White House, and his assistant used “gwb43.com” e-mail accounts to communicate with the General Services Administration about a partisan briefing that Mr. Jennings gave to political appointees at GSA on January 26, 2007.⁵ When Mr. Jennings’s assistant e-mailed the PowerPoint presentation to GSA, she wrote: “It is a close hold and we’re not supposed to be emailing it around.”⁶
- **New Job Appointment E-Mails.** Mr. Jennings also appears to have used his “gwb43.com” account to recruit applicants for official government positions through the “Kentucky Republican Voice,” an internet site that describes itself as “the best source for Kentucky Republican grassroots information.” One posting from May 2005 advertised 17 vacancies on assorted presidential boards and commissions.⁷ A second posting from May 2006 sought applicants for various boards within the Small Business Administration.⁸ In each case, these postings encouraged applicants to contact Mr. Jennings at his “gwb43.com” address.

Moreover, *U.S. News & World Report* reported yesterday that my letter on Monday to the RNC may be driving official White House communications even further underground. According to this report, at least two White House aides have now “bought their own private E-

³ E-mail from Susan Ralston to Shawn Vasell and Todd Boulanger (July 11, 2001) (GTG-R001392).

⁴ E-mail from Susan Ralston to Jack Abramoff and Rodney Lane (Mar. 31, 2001) (GTG-R000835).

⁵ See E-mail exchange between Scott Jennings and John Horton (Jan. 26, 2007) (W-02-0432).

⁶ Email from Jocelyn Webster to Tessa Truesdale (Jan. 19, 2007) (W-02-0310).

⁷ *Presidential Boards and Commissions Looking for Nominations from Kentuckians*, Kentucky Republican Voice (May 13, 2005) (available online at www.kyrepublicanvoice.blogspot.com/2005/05/presidential-boards-and-commissions.html).

⁸ *Small Business Administration Looking for Candidates for Boards*, Kentucky Republican Voice (May 14, 2006) (available online at www.kyrepublicanvoice.blogspot.com/2006/05/small-business-administration-looking.html).

mail system through a cellular phone or Blackberry server” to avoid the possibilities of subpoenas. Another aide told *U.S. News* that he now communicates through “texting.”⁹

The statements of White House spokesperson Dana Perino at a press briefing this week only further confused the issue. She said: “Of course, people are encouraged, on official White House business, to use their official White House accounts.”¹⁰ But she did not cite any specific policy or guidance issued to White House staff regarding the use of e-mail accounts and the preservation of presidential records, and she acknowledged that certain officials in the White House have been given access to political e-mail accounts. When asked if a new directive had been issued to White House staff reminding them to use their White House e-mails, she stated, “I don’t know of any new directive, but it is what we ask people to do.”¹¹

Ms. Perino was also vague in her answers about whether the White House is ensuring the security and preservation of official communications that are sent through RNC and campaign e-mail accounts. She stated:

With respect to presidential records, an email that is sent to or from a White House email address is automatically archived, even if the other person is not using a White House email account. I believe our — well, I know that our White House Counsel’s Office is in communication with the RNC’s general counsel to make sure that those archivings have taken place.¹²

To help the Committee understand the White House policies involving the use of nongovernmental e-mail accounts by White House officials, I ask you to provide the following information:

- All policies, guidance, and other communications provided to White House officials regarding appropriate use of nongovernmental e-mail accounts, particularly those hosted by the Republican National Committee and other political organizations;
- All policies, guidance, and other communications provided to White House officials regarding the obligation to preserve e-mail records, including those created while using nongovernmental e-mail accounts;

⁹ *E-mail Controversy Prompts Many Aides to Stop Usage*, USNews.com (March 28, 2007).

¹⁰ White House, *Press Briefing by Dana Perino* (Mar. 28, 2007).

¹¹ White House, *Press Briefing by Dana Perino* (Mar. 28, 2007).

¹² White House, *Press Briefing by Dana Perino* (Mar. 27, 2007).

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- Any agreements entered into by the White House and the Republican National Committee, the Bush Cheney '04 campaign, or other organizations regarding e-mail accounts provided by these organizations to White House officials;
- Any documents relating to White House efforts to preserve presidential records that were created on nongovernmental e-mail accounts; and
- Any documents relating to White House efforts to secure official e-mails sent through nongovernmental e-mail servers, including any communications with the Republican National Committee or the Bush Cheney '04 campaign regarding the security of their servers.

I request that you provide this information by April 5, 2007. In addition, I ask that you or your designee and any other appropriate White House personnel meet with Committee staff during the week of April 2, 2007, to discuss these issues.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. An attachment to this letter provides additional information about how to respond to the Committee's request.

I will appreciate your cooperation with this request. If your staff has any questions about this request, they should contact David Rapallo or Anna Laitin with the Committee staff at (202) 225-5420.

Sincerely,



Henry A. Waxman
Chairman

Enclosure

cc. Tom Davis
Ranking Minority Member